

REMARKS

Claims 1-16 were pending at the time of the present office action. Claims 3, 4 and 13 have been cancelled herein. Claims 17-20 have been added. In addition, a number of claims have been amended. It is respectfully submitted that no new matter is added by the amended and added claims.

ARGUMENTS

Claims 1-16 as filed in the application stand rejected as being anticipated by Pulver US 6,131,679. It is asserted in the office action that Pulver discloses a frame, a pair of drive wheels, two drive assemblies, a motor support bracket (44) pivotally attached to the frame (42), a spring suspension assembly, an idler wheel (32) and anti-tip wheel (72). It is respectfully submitted that this description of Pulver does not match the specifics of the pending claims. Manifestly, Pulver does not disclose (or suggest) the specific combination as claimed.

Applicants' claimed invention includes a motor support bracket attached to each drive assembly and pivotally attached to the frame. More specifically, the drive assembly extends upward and rearward from the pivot. The drive assembly in Pulver includes a motor (12a) which is attached to a pivot arm (40), which is in turn pivotally attached to the frame (42). The motor extends forwardly from the axis of rotation of the drive wheels. The motor assembly is positioned below the bracket arm and below its pivotal attachment to the frame. As specifically illustrated in Pulver, the front castor wheel (32a) is the forward wheel in the structure. The anti-tip wheel (72) is positioned rearwardly of the drive wheel and rearwardly of the frame of the wheelchair.

In view of the above, it is clear that the structure in Pulver does not correspond to the specifics of the claimed combination and that Pulver does not anticipate any claim. In Applicants' invention, by orienting the drive assembly such that the motors are angled upward

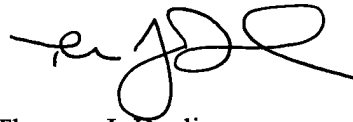
and rearward, the distance between the front castor and the drive wheel can be shortened. Essentially, the motor assembly is moved out of the way and the overall frame is shortened. To further enhance the weight distribution of the wheelchair, the present invention is designed such that the batteries are positioned on the rear of the frame of the wheelchair. Thus, with a shortened frame, the rider of the wheelchair is positioned relatively forward. The provision of the batteries in the rear of the frame provides easy access to those batteries, but also counter-balances the overall weight of the rider on the wheelchair. None of these features or advantages are suggested or disclosed by the Pulver reference. Therefore, the Pulver reference does not suggest Applicants' claimed combination.

The features of the present invention are specifically emphasized by the claims as filed. The amendments to claims 1-16 are offered for purposes for clarification and are not directly related to the present rejection. (In any event, amendments are offered without prejudice to the reintroduction of the same claim language at a later date.) The claims added to the present application further emphasize the features of the invention and are also distinguishable from Pulver for the reasons suggested above.

It is respectfully submitted that the claims as pending in the application are in condition for allowance. Withdrawal of the rejection based upon Pulver is solicited. A notice of allowance should be forwarded on an expedited basis.

If additional minor amendments to the claims are otherwise desired by the examiner in order to place this application in condition for allowance, please contact applicants' representative by phone.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'TJD', with a stylized flourish extending from the end.

Thomas J. Durling
Reg. No. 31,349

TJD:rb

DLA Piper Rudnick Gray Cary US LLP
One Liberty Place, Suite 4900
1650 Market Street
Philadelphia, PA 19103
Phone: (215) 656-2431
Fax: (215) 656-2498
thomas.durling@dlapiper.com